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RE: H.B. 6372

Banking Committee Public Hearing – February 9, 2020

My name is Sarah Poriss and I respectfully submit this testimony in SUPPORT of **H.B. 6372–  
An Act Exempting from Execution Certain Funds In a Judgment Debtor’s Account**

I am a solo attorney and I work with clients who have been sued for collection of unpaid debts and who are subject to bank executions.

I can’t count the number of times I have received a call the day someone tries to buy gas or groceries and discover they can’t access the money in their bank account. They often did not even know they had been sued or have a judgment against them, and they discover their account has been frozen even before they receive written notice from their bank. They also get no advance notice that they may be subject to an execution and can get caught off guard at the worst possible moment (like when attempting to purchase diapers, medication, food or gasoline).

The current statute permits execution of all non-exempt or unprotected funds in a bank account, and requires the consumer to take proactive steps to apply for an exemption, which requires know-how, time off of work to complete applications and to attend a hearing on their application. In addition, it can take four weeks or more from the date of application for an exemption to get into court. This adds a layers of hardship on top of an already difficult situation caused by the execution.

Extending an automatic \$1000 “wild card” exemption- which is already available to some consumers based on the type of funds in their accounts- makes this process more fair, less burdensome for the average consumer, and prevents a ripple effect of negative financial consequences not only for the consumer against whom the execution was directed but all who depend on the consumer for income and support (for example, a parent waiting for a child support payment from the parent subject to the execution is harmed; the landlord who doesn’t receive rent from the person subject to the execution is harmed, etc.).

The businesses who oppose this bill receive an inequitable benefit from the freezing of accounts and seizure of funds needed by the average person just to get through their work week. The \$1000 automatic exemption will protect the consumer AND rest of us from this punitive and harmful action.

Thank you.

Sarah Poriss